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23 [Additional counsel appear on signature page.]

24 UNITED STATES DISTRICT COURT

25 NORTHERN DISTRICT OF CALIFORNIA

26 DONALD NOBLES, Individually and on
27 Behalf of All Others Similarly Situated,

28 Plaintiff,

vs.

MBNA CORPORATION, et al.,

Defendants.

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No. C-06-03723-CRB(JL)

CLASS ACTION

STIPULATION AND ~~PROPOSED~~ ORDER
RE: MODIFYING CLASS CERTIFICATION
BRIEFING SCHEDULE

1 WHEREAS at the June 8, 2007 case management conference, the Court initially set an
2 August 31, 2007 deadline for plaintiff to move for class certification;

3 WHEREAS the parties previously stipulated that they needed more time before class
4 certification briefing to conduct and review discovery and to resolve any disputes that arose during
5 the discovery process;

6 WHEREAS the Court previously entered an order on July 27, 2007, establishing a briefing
7 schedule and hearing date for class certification as follows:

- 8 1. The deadline for plaintiff to move for class certification shall be January 11, 2008;
- 9 2. Defendants' opposition brief shall be due on February 15, 2008;
- 10 3. Plaintiff's reply shall be due on March 7, 2008; and
- 11 4. Plaintiff's motion for class certification shall be noticed for hearing on March 21,
12 2008 or thereafter;

13 WHEREAS the parties are in the process of discussing the terms and scope of the production
14 of information, including electronically stored information, that the parties will need in advance of
15 depositions, including depositions related to class certification;

16 WHEREAS the parties are also in the process of producing information and resolving
17 discovery disputes, both informally and by way of motion before Magistrate Judge Larson;

18 WHEREAS such activities are taking longer than anticipated;

19 WHEREAS defendants are proceeding to identify, process and produce responsive
20 electronically stored information and are hopeful that the process can be completed within the
21 confines of the schedule proposed below, defendants also recognize that the process involves
22 unknowns and uncertainties that could take additional time and warrant further adjustments in the
23 schedule;

24 WHEREAS plaintiff contends that the receipt of such information is essential before plaintiff
25 can conduct depositions and properly prepare for class certification, thus necessitating a modification
26 of the current briefing schedule;

27 THEREFORE, the parties, by and through their counsel, stipulate and request that:

- 28 1. The deadline for plaintiff to move for class certification shall be April 14, 2008;

- 1 2. Defendants' opposition brief shall be due on May 19, 2008;
2 3. Plaintiff's reply shall be due on June 19, 2008; and
3 4. Plaintiff's motion for class certification shall be noticed for hearing on June 27, 2008
4 or thereafter.

5 DATED: December 17, 2007

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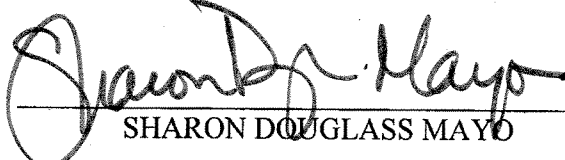
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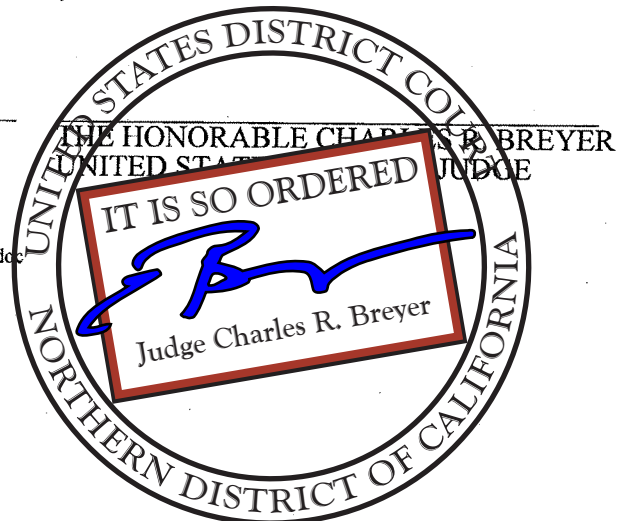
* * *

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

DATED: December 19, 2007

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STIPULATION AND [PROPOSED] ORDER RE: MODIFYING CLASS CERTIFICATION BRIEFING
SCHEDULE - C-06-03723-CRB(JL)